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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DANA PASQUALE,) 4:11-cv-05265-JCS
Plaintiff,)
v.) UPDATED CASE MANAGEMENT
LAW OFFICES OF NELSON &) CONFERENCE STATEMENT
KENNARD,) Hon. Joseph C. Spero
Defendant.)

JOINT FEDERAL RULE OF CIVIL PROCEDURE
26(f) DISCOVERY PLAN

Plaintiff, DANA PASQUALE and Defendant, LAW OFFICES OF NELSON & KENNARD, by their respective counsel, and pursuant to Federal Rule of Civil Procedure 26(f), agree to the following Discovery Plan:

FRCP 26(f) Discovery Plan:

1. **Rule 26(a) Disclosures:** Initial disclosures will have been made and served upon each party.

1. **Synopsis:** Count I of Plaintiff's Complaint, filed on October 28, 2011, is based on the
 2 Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA). Count II of the
 3 Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, *Cal. Civ.*
 4 *Code §1788 et seq.* (RFDCPA). Plaintiff alleges Defendant used deceptive and
 5 misleading representations and claims in connection with the collection of an alleged
 6 debt;; and that Defendant failed to disclose in communications that it was a debt collector
 7 seeking to collect a debt.

8 Defendant has filed an Answer denying the material allegations of Plaintiff's Complaint
 9 and asserting fourteen (14) affirmative defenses thereto.

- 10 a. **Key legal issues:** Whether Defendant's actions violated the FDCPA and
 11 RFDCPA.
- 12 b. **Realistic range of damages:** The FDCPA and RFDCPA entitle Plaintiff to a
 13 maximum of \$2000.00 in statutory damages. Additionally, the FDCPA and
 14 RFDCPA provide for Plaintiff's reasonable attorneys' fees and costs.
- 15 c. **Motions To Amend Pleadings:** The time by which the parties can move to
 16 amend has passed. Therefore, the parties must seek leave of this Honorable Court
 17 to amend the pleadings. .
- 18 d. **Discovery plan:** Discovery has closed.

19 **Experts:** Per the Scheduling Order, the parties were to provide the disclosures required
 20 on or before **November 12, 2012.**

21 Counter-designations of experts are to be made on or before **November 29, 2012.**

22 Per the Scheduling Order, Expert discovery will be completed by **December 12, 2012.**

- 23 e. **Summary Judgment:** Defendant has filed a motion for summary judgment which
 24 is set for hearing on April 19, 2013 at 9:30 am..

1 f. **Settlement Discussions:** Parties have discussed the potential for settlement in the
2 present matter and will continue to do so in good faith.

3 g. **Time required:** Parties do not anticipate the case requiring more than three days
4 for trial.

5 h. **Scheduling:** The parties propose the following cut-off dates:

6 Fact discovery be **December 12, 2012;**

7 Last day for the Court to hear dispositive motions be **April 19, 2013 (leave was granted**
8 **by the Court);**

9 The Pretrial Conference will be held **August 16, 2013 at 1:30 pm;** and

10 Trial is set for **August 26, 2013 at 8:30 am.**

11 1. **TRIAL:**

12 Both parties have requested a trial by jury.

13 The parties estimate that this case will take approximately 2 days for trial.

14 It is anticipated that the case will be ready for trial by **August 26, 2013..**

15 i. **Other Issues:** None

16 j. **Magistrate Judge:** The case is now pending before Honorable Joseph C. Spero.

17 18 RESPECTFULLY SUBMITTED,

19 DATED: February 8, 2013 KROHN & MOSS, LTD.

20 By: **/s/ Ryan Lee**
21 Ryan Lee
22 Attorney for Plaintiff

RESPECTFULLY SUBMITTED,

DATED: February 8, 2013 NELSON & KENNARD

By: /s/Robert Scott Kennard
Robert Scott Kennard

By: /s/ Clifton Inohara
Clifton Inohara
Attorneys for Defendant